

When Recorded Return to:

Skamania County Assessor
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Filed by: SKAMANIA COUNTY ASSESSOR
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$48.00

OPEN SPACE TAXATION AGREEMENT

Chapter 84.34 RCW

(To be used for "Open Space", "Timber Land" Classification or "Reclassification" Only)

Grantor(s): SWIFT CREEK ESTATES

Grantee(s): SKAMANIA COUNTY

Legal Description: A PORTION OF THE SE1/4-SE1/4-NE1/4 OF SECTION 27 TOWNSHIP 7N
RANGE 6 EWM

Assessor's Property Tax Parcel or Account Number: 07062600070000

Reference Numbers of documents Assigned or Released BK 108/PG 567 2-29-1988

This agreement between SWIFT CREEK ESTATES

hereinafter called the "Owner, and Skamania County

hereinafter called the "Granting Authority".

Whereas the owner of the above described real property having made application for classification of that property under the provision of chapter 84.34 RCW.

And whereas, both the owner and granting authority agree to limit the use of said property, recognizing that such land has substantial public value as open space and that the preservation of such land constitutes an important physical, social, esthetic, and economic asset to the public, and both parties agree that the classification of the property during the life of this agreement shall be for:



Open Space Land



Timber Land

Now, therefore, the parties, in consideration of the mutual convenience and conditions set forth herein, do agree as follows:

- I. During the term of this agreement, the land shall be used only in accordance with the preservation of its classified use.

2. No structures shall be erected upon such land except those directly related to, and compatible with, the classified use of the land.
3. This agreement shall be effective commencing on the date the legislative body receives the signed agreement from the property owner and shall remain in effect until the property is withdrawn or removed from classification.
4. This agreement shall apply to the parcels of land described herein and shall be binding upon the heirs, successors and assignees of the parties hereto.
5. The landowner may withdraw from this agreement if, after a period of eight years, he or she files a request to **withdraw** classification with the assessor. Two years from the date of that request the assessor shall withdraw classification from the land, and the applicable taxes and interest shall be imposed as provided in RCW 84.34.070 and 84.34.108.
6. After the effective date of this agreement, any change in use of the land, except through compliance with items (5), (7), or (9), shall be considered a **breach** of this agreement, and shall be subject to removal of classification and liable for applicable taxes, penalties, and interest as proved in RCW 84.34.080 and RCW 84.34.108.
7. A breach of agreement shall not have occurred and additional tax shall not be imposed if removal of classification resulted solely from:
 - a) Transfer to a governmental entity in exchange for other land located with the State of Washington.
 - b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power in anticipation of the exercise of such power and having manifested its intent in writing or by other official action.
 - c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
 - d) Official action by an agency of the State of Washington or by the county or city where the land is located disallowing the present use of such land.
 - e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
 - f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 62.04.130 (See RCW 84.34.108(5)(f)).
 - g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e).
 - h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - j) The creation, sale, or transfer of fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
 - k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as forestland under chapter 84.33 RCW, or under chapter 84.34 RCW continuously since 1993.

8. The county assessor may require an owner to submit data relevant to continuing the eligibility of any parcel of land described in this agreement.
9. The owner may apply for reclassification as provided in Chapter 84.34 RCW.

This agreement shall be subject to the following conditions:

It is declared that this agreement specifies the classification and conditions as provided for in Chapter 84.34 RCW and the conditions imposed by this Granting Authority. This agreement to tax according to the use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

8/21/07
Date

Granting Authority:
Paul - Lee
City or County
Chairman
Title

As owner(s) of the herein described land I/we indicated by my/our signature(s) that I am/we are aware of the potential tax liability and hereby accept the classification and conditions of this agreement.

9-4-07
Date

Richard L. Foney
Owner(s)
As President of Swift Creek Estates
Owner(s)
a Washington non-profit corporation
Owner(s)

(Must be Signed By All Owners)

Date signed agreement received by Legislative Authority 9/5/07

Prepare in triplicate with one completed copy to each of the following: Owner, Legislative Authority, County Assessor

For tax assistance, visit <http://dor.wa.gov> or call (800) 647-7706. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call (800) 451-7985.

RETURN TO:
Skamania County Assessors
P O Box 790
Stevenson, WA 98648

CHANGE OF CLASSIFICATION OR USE
(Chapters 84.33 and 84.34 RCW)

File With County Assessor

Tax Code:

County:

SKAMANIA

Applicant(s) Name and Address:

SWIFT CREEK ESTATES

C/O RICHARD L LONERGAN

620 SW 5TH AVE SUITE #606

PORTLAND OR 97204

Phone Number: _____

Assessor's Parcel or Account Number:

07062600070000

Auditor's File Number on Original Application:

BK 108 Pg 567 2-29-88

SWIFT CREEK ESTATES

Land subject to this application (legal description):

A PORTION OF THE SE1/4-SE1/4-NE1/4 OF SECTION 27 TOWNSHIP 7 N RANGE 6 EWM

Change of Classification
(Check appropriate box)

The land is currently classified as Farm and Agricultural land under RCW 84.34.020(2) and I hereby request reclassification as:

- ☐ Timber Land as provided under RCW 84.34.020(3). (Attach completed form REV 64 0021 and a timber-management plan.)
- ☐ Open Space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)
- ☐ Forest Land Classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021)
- ☐ Farm and Agricultural Conservation land as provided in RCW 84.34.020(1)(c). (Attach completed form REV 64 0021)

The land is classified as Open Space Farm and Agricultural Conservation land under RCW 84.34.020(1)(c) and I hereby request reclassification to:

- ☐ Farm and Agricultural land under RCW 84.34.020(2)

The land is currently classified as Timber Land under RCW 84.34.020(3) and I hereby request reclassification as:

- ☐ Forest Land Classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021)
- ☒ Open Space Land as provided under RCW 84.34.020(1) (Attach completed form REV 64 0021)
- ☐ Farm and Agricultural Land as provided under RCW 84.34.020(2). (Attach completed form REV 64 0024)

NOTE: If request to change classification is approved, no additional tax or penalty will be imposed. Requests to transfer from Forest Land designation under provisions of Chapter 84.33 RCW to Current Use classification under Chapter 84.34 RCW should be made on REV 64 0038.

GENERAL INFORMATION

RECLASSIFICATIONS: Are defined in RCW 84.34.070(2) as follows:

- (2) The following reclassifications are not considered withdrawals or removals and are not subject to additional tax under RCW 84.34.108;
- a) Reclassification between lands under RCW 84.34.020(2) and (3);
 - b) Reclassification of land classified under RCW 84.34.020(2) or (3) or Chapter 84.33 RCW to open space land under RCW 84.34.020(1);
 - c) Reclassification of land classified under RCW 84.34.020(2) or (3) to forest land classified under Chapter 84.33 RCW; and
 - d) Reclassification of land classified as open space land under RCW 84.34.020(1)(c) and reclassified to farm and agricultural land under RCW 84.34.020(2) if the land had been previously classified as farm and agricultural land under RCW 84.34.020(2).
- (3) Applications for reclassification shall be subject to applicable provisions of RCW 84.34.035, 84.34.037, 84.34.041, and Chapter 84.33 RCW.
- (4) The income criteria for land classified under RCW 84.34.020(2)(b) and (c) may be deferred for Land being reclassified from land classified under RCW 84.34.020(1)(c) or (3), or Chapter 84.33 RCW into RCW 84.34.020(2)(b) or (c) for a period of up to five years from the date of reclassification. [1992 c 69§ 10]

FARM AND AGRICULTURAL CONSERVATION LAND: Is defined in RCW 84.34.020(8)(a & b) as follows:

- (8) "Farm and agricultural conservation land" means either:
- a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or
 - b) Land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture. [1992 c 69§ 4]

And also define in RCW 84.34.037(2)(c) as follows:

- c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW 84.34.020(2) or pre-serve land that is traditional farmland and not classified under Chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

Signatures of Owner(s) or Contract Purchaser(s):

Charles L. Loring
as President of Swift Creek Estates
a Washington non-profit corporation

Date 6-21-07
Date _____
Date _____

Attachment:

- ☐ REV 62 0021
☐ REV 64 0021
☐ REV 64 0024

For Tax Assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call 360-570-5900
Inquire about availability of this document in an alternate format for the visually impaired, call 360-705-6715. Teletype (TTY) users may call 1-800-451-7985.



Application For Classification Or Reclassification As
Open Space Land Or Timber Land For Current Use Assessment
Under Chapter 84.34 RCW

File With The County Legislative Authority

Name of Applicant: SWIFT CREEK ESTATES, a Washington Phone No: 503-223-9206
non-profit corporation
Address: 40 Richard L. Loneragan, Suite 606, 620 SW. 5th Avenue, Portland, OR 97204
Property Location: 6.14 acres in T7N, R6E, S26, (BK 108 / Pg 415)

1. Interest in property: ☒ Fee owner ☐ Contract purchaser ☐ Other (Describe)

2. Assessor's Parcel or Account Number: 07-06-26-0-00000700-00
Legal description of land to be classified:
ATTACHED
MANA KATHA

3. Land classification that is being sought: ☒ Open Space ☐ Timber Land
NOTE: A single application may be made for both open space and timber land, but a separate legal description must be furnished for each area that classification is being sought.

4. Total acres in application: 6.14 ACRES

5. Open Space Classification Number of acres: 6.14

6. Indicate what category of open space this land will qualify for:

- ☐ Open space zoning
- ☐ Conserve and enhance natural or scenic resources
- ☒ Protect streams or water supply
- ☐ Promote conservation of soils, wetlands, beaches or tidal marshes
- ☐ Enhance public recreation opportunities
- ☐ Enhance value to public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space
- ☐ Preserve historic sites
- ☐ Preserve visual quality along highway, road, and street corridors or scenic vistas
- ☐ Retain in natural state tracts of one (1) or more acres in urban areas and open to public use as reasonably required by granting authority
- ☐ Farm and agricultural conservation land as defined in RCW 84.34.020(8)

7. Timber Land Classification Number of acres: _____

Definition: "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of forest crops for commercial purposes. "Timber land" means land only and does not include a residential home site. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

A timber management plan shall be filed with the county legislative authority either (a) when an application for classification as timber land pursuant to this chapter is submitted; (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed; or (c) within sixty days of the date the application for reclassification under this chapter is received. The application for reclassification will be accepted but not processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification shall be denied. If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance shall be denied.

8. Submit a copy of your timber management plan with this application.

A timber management plan will include the following elements:

- a) a legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified or reclassified as timber land,
- b) date or dates of acquisition of the land,
- c) a brief description of timber, or if harvested, the owners plan for restocking,
- d) whether there is a forest management plan for the land,
- e) if so, the nature and extent of implementation of the plan,
- f) if land is used for grazing,
- g) whether the land has been subdivided or a plat filed with respect to the land,
- h) whether land and applicant are in compliance with restocking, forest management, fire protection, insect and disease control, etc.,
- i) whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610,
- j) whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber,
- k) a summary of past experience and activity of the applicant in growing and harvesting timber,
- l) a summary of current and continuing activity of the applicant in growing and harvesting timber,
- m) a statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land.

9. Describe the present improvements on this property (buildings, etc.).

Water Tanks, Water Pipes, Collection Boxes

10. Is this land subject to a lease or agreement which permits any other use than its present use? ☐ Yes ☒ No
If yes, attach a copy of the lease agreement.

NOTICE: The assessor may require owners to submit pertinent data regarding the use of classified land.

Open Space Land Means:

- (a) Any land area so designated by a comprehensive land use plan adopted by a city or county authority, or
- (b) Any land area, in which the preservation in its present use would:
 - (i) Conserve and enhance natural or scenic resources,
 - (ii) Protect streams or water supply,
 - (iii) Promote conservation of soils, wetlands, beaches or tidal marshes,
 - (iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space,
 - (v) Enhance recreation opportunities,
 - (vi) Preserve historic sites,
 - (vii) Preserve visual quality along highway, road, and street corridor or scenic vistas, or
 - (viii) Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.
- (c) Or, any land meeting the definition of "farm and agricultural conservation land".

Statement Of Additional Tax, Interest, And Penalty Due Upon Removal Of Classification

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
 - (a) The difference between the property tax paid as "Open Space Land" or "Timber Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
 - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes.
 - (c) A penalty of 20% shall be applied to the additional tax if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal process, or except as a result of those conditions listed in (2) below.

2. The additional tax, interest, and penalty specified in (1) above shall not be imposed if removal resulted solely from:
- (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
 - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
 - (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
 - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
 - (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.
 - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
 - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(e) (farm homestead).
 - (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - (j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
 - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.

Affirmation

As owner(s) of the land described in this application, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under provisions of Chapter 84.34 RCW. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct, and complete statement.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Signatures of all Owner(s) or Contract Purchaser(s):

Richard L. Fournier
as President of Swift Creek Estates, a Washington non-profit corporation
All owners and purchasers must sign.

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: 6-20-07 By: SLD
Amount of processing fee collected \$ NONE Transmitted to: Commissioners Date: 8-07

FOR GRANTING AUTHORITY USE ONLY

Date received: 8/21/07 By: Paul I. [Signature]
☒ Application approved ☐ Approved in part ☐ Denied Owner notified of denial on: _____
Agreement executed on: 8/22/07 Mailed on: 8/23/07

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Document No. 35557

GRANTOR, BURLINGTON NORTHERN RAILROAD COMPANY, a Delaware corporation qualified to do business and doing business in the State of Washington, for and in consideration of Ten Dollars (\$10.00), and other good and valuable consideration in hand paid, conveys and warrants to SWIFT CREEK ESTATES, a Washington non-profit corporation, Grantee of Suite 606, 620 S.W. 5th Avenue, Portland, Oregon 97204, its successors and assigns, the following described real estate, situated in the County of Skamania, State of Washington:

Beginning at a 1/2 inch iron rod on the East line of Section 27, that bears North 00°00'00" East 530.00 feet from a concrete monument at the Southeast corner of said Section 27; thence North 00°00'00" East along said East line 800.00 feet to a 1/2 inch iron rod; thence South 67°40'15" West 523.00 feet to a 1/2 inch iron rod (set in the top of a 48 inch fir stump); thence South 21°33'31" East 647.15 feet to a 1/2 inch iron rod; thence North 89°51'54" East 245.98 feet to the POINT OF BEGINNING.

Excepting and reserving, however, to the Grantor, for itself, its successors and assigns, forever: